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TRANSMITTAL FORM (to be used for all correspondence after initial filing)			Application Number	10/764,399		
			Filing Date	1/23/04		
			First Named Inventor	Loprete		
			Art Unit	3744		
			Examiner Name	H. Tanner		
Total Number of Page	s in This Submission		Attorney Docket Number	20711-0036		
	2	ENCLO	SURES (check all that apply)			
Fee Transmittal F	-orm	☐ Drawin	ng(s)	After Allowance Communication to Group		
Fee Attached	1	Licens	ing-related Papers	Appeal Communication to Board of Appeals and Interferences		
Amendment / Re	ply	Petitio	n	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)		
After Final	į.		n to Convert to a ional Application	Proprietary Information		
Affidavits/dec	daration(s)		of Attorney, Revocation e of Correspondence Address	Status Letter		
Extension of Time	Extension of Time Request		nal Disclaimer	Other Enclosure(s) (please identify below):		
Express Abandonment Request			st for Refund umber of CD(s)	Return Receipt Postcard; Certificate of Mailing; Cited References (3); International Search Report (5 pages)		
Certified Copy of Document(s)	Priority	Rema	rks	<u> </u>		
Response to Miss Incomplete Applic						
Response to Missing Parts under 37 CFR 1.52 or 1.53						
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT						
Firm McNees Wallace & Nurick LLC or Individual name Brian T. Sattizahn						
Signature 6 7 5			atty			
Date July 23, 2004						
	С	ERTIFICA	TE OF TRANSMISSION/MAI	LING		
I hereby certify that to Service with sufficier Alexandria, VA 22313	nt postage as first o	alass mail ir	simile transmitted to the USPTO an envelope addressed to: Co	or deposited with the United States Postal ommissioner for Patents, P.O. Box 1450,		
Typed or printed name Betty G. Rye						
10 - 10						

Setly St- 1Car This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.4. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

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on_	July 23, 2004	<u> </u>
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		Betty G. Rye
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Return Receipt Postcard Information Disclosure Statement (3 pages) PTO/SB/08 Cited References (3) PCT Search Report (5 pages)

Attorney Docket No.: 20711-0036

Note:

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Application No.: 10/764,399 Atty. Docket No. 20711-0036 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE JUL 2 6 2004 pplication: LOPRETE, J.F. Group Art Unit: 3744 Application No.: 10/764,399 Examiner: H. Tanner Filed: 1/23/04 Atty. Docket No. 20711-0036 SYSTEM AND METHOD FOR STEPPED CAPACITY MODULCATION IN A REFRIGERATION SYSTEM MAIL STOP AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 INFORMATION DISCLOSURE STATEMENT SIR: The following are included with this Information Disclosure Statement:  $\boxtimes$ A. PTO/SB/08 **B. CERTIFICATION** (37 C.F.R. 1.97(c)-before final Office Action or allowance) C. \$180.00 FEE PAYMENT (37 C.F.R. 1.97(c)-before final Office Action or allowance) П D. \$180.00 PETITION, CERTIFICATION & PETITION FEE **PAYMENT** (37 C.F.R.1.97(d)-before issue fee payment) The following are submitted in the above-identified application in compliance with 37 CFR 1.98: A copy of each listed U.S. Patent and U.S. Patent application publication [1.98(a)(2)(i)].  $\boxtimes$ A copy of each listed foreign patent and/or published foreign patent

patent application [1.98(a)(2)]:

application. For each listed foreign patent and/or published foreign

Application No.: 10/764,399 Atty. Docket No. 20711-0036  $\boxtimes$ a) the English language version or an English translation if not published in English, if available (see PTO-1449)[1.98(a)(3)]; and/or b) U.S. counterpart patents or English language equivalents of the foreign patents or published foreign patent applications (see PTO-1449); and/or  $\boxtimes$ a concise explanation of the relevance of the listed patents, c) publications or other information (see PTO-1449, foreign search report or other, attached), as it is presently understood by the person signing this disclosure, since no English translation is currently available[1.98(a)(3)].  $\Box$ III. A copy of each listed publication, other than published foreign applications. For each listed publication [1.98(a)(2)]: an English translation, if available, when the original publication is not in the English language (see PTO-1449)[1.98(a)(3)];  $\Box$ (b) a concise explanation of the listed publications (see PTO-1449), as it is presently understood by the person signing this disclosure, since no English translation is currently available [1.98(a)(3)]. $\Box$ IV. For any other listed information, a copy of the information or that portion which caused it to be listed (see PTO-1449)[1.98(a)(2)(iii)]. ٧. Each listed U.S. Patent, Publication or other information that was previously cited by or submitted to the Office in a prior application. which application is relied upon for an earlier filing date under 35 U.S.C.§ 120 [1.98(d)].  $\boxtimes$ VI. Copies of each listed U.S. Patent and U.S. Patent application publication are not being submitted herewith pursuant to a waiver of 37 CFR 1.98(a)(2)(i) by the USPTO on July 11, 2003 for applications filed after June 30, 2003. This information is submitted in the above-identified application in compliance with 37 C.F.R.1.97 because:  $\boxtimes$ 1. This information disclosure is submitted within three months of the filing date of the application, or before the mailing date of the first office action

This information disclosure is submitted before the mailing date of a final action in this application under 1.113[1.97(c)] and the requisite statement

on the merits of the application [1.97(b)].

or fee is provided (see items 6 or 7 below).

2.

Application No.: 10/764,399 Atty. Docket No. 20711-0036

	3.	This information disclosure is submitted before the mailing date of a notice of allowance under 1.311 [1.97(c)] and the requisite statement or fee is provided (see items 6 or 7 below).				
	4.	This information disclosure is submitted after the mailing date of a final action under 1.113 [1.97(d)] and the requisite statement and fee is provided (see items 6 and 8 below).				
	5.	This information disclosure is submitted after the mailing date of a notice of allowance under 1.311, but before the payment of the issue fee [1.97(d)] and the requisite statement and fee is provided (see items 6 and 8 below).				
	6.	This information disclosure statement is submitted with the statement required for items 2, 3, 4 or 5 above [1.97(c), (d), (e)]:				
	I, Bri	an T. Sattizahn, hereby state the following:				
		Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.				
		No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this information disclosure was known to any individual designated in 1.56(c) more than three months prior to the filing of this information disclosure statement.				
	7.	This information disclosure statement is submitted with the fee of \$180 set forth in 1.17(p) [see items 2 and 3 above]. Please charge this fee and any				

Application No.: 10/764,399 Atty. Docket No. 20711-0036

8. Please charge this fee and any other fees associated with this application to Deposit Account No. 50-1059.

Respectfully submitted,

Dated: July 23, 2004

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known				
Application Number	10/764,399			
Filing Date	1/23/04			
First Named Inventor	Loprete			
Art Unit	3744			
Examiner Name	H. Tanner			
Attorney Docket Number	20711-0036			

			U.S. PATENT	OCUMENTS	
Examiner	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Initials *		Number - Kind Code <sup>2</sup> (if known)			
	Α	US-5,050,233	9/17/91	Hitosugi et al.	
	В	US- 3,074,619	10/2/58	Larsson et al.	
	С	US- 5,797,729	8/25/98	Rafuse, Jr. et al.	
	D	US- 5,775,117	7/7/98	Shaw	
	E	US- 4,876,859	10/31/89	Kitamoto	
		US-			

		FOREIGN PA	TENT DOCU	MENTS		
Examiner	Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>®</sup>
Initials*	No.1	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Date MM-DD-YYYY	Applicant of Cited Document		
	1	EP 0 085 454	8/10/83	Avontuur		
	2	EP 0 253 928	01/27/88	Margaux Controls		
	3	EP 0 080 916	6/8/83	Froid Satam Brandt		

Examiner Signature	Date Considered	 

Translation is attached.

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.